IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1898 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 1899 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 1900 O 2005
ALONGWITH
CRIMINAL APPLICATION NO. 1901 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 1902 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 1903 OF 2005

Mohammad Raza Shahali ...Applicant

Versus

State of Maharashtra & Ors. ...Respondents

.....

Mr. Ramesh D. Chheda, Advocate for Applicant.

Mr. Y.S. Shinde, in Appln. No. 1898 & 1902 of 05,
Ms. S.V. Gajare, in Appln. No. 1899/05,
Mr. Rajesh More, in Appln. No. 1900/05,
Mr. M.S. Mhambray, in Appln. No. 1901/05,
Mr. D.P. Adsule, in Appln. No. 1903 of 2005,
A.P.Ps. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 28TH JUNE, 2005

P. C.:-

1. Heard the learned advocate for the applicant and the learned A.P.Ps. for the State.

2. The applicant has prayed for quashing of Criminal case Nos.800/S/2003, 799/S/2003, 783/S/2003, 591/S/2003, 578/S/2003 and 972/S/2003 which are

pending in the Court of learned Metropolitan Magistrate, 17th Court at Mazgaon, Mumbai. In the said case, process has been issued against the applicant under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No. 550 of 2005, the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court. The learned advocate for the applicant states that the necessary revision would be preferred within a period of five weeks from today. The learned advocate for the applicant also states that the age of the applicant is 75 years and it is not possible for him to attend the trial Court on all dates on account of his age and health. Looking to this fact, exemption is granted to the applicant in respect of his personal appearance before the trial Court till the

revision is disposed of.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Criminal applications are disposed of.

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